EXHIBIT 3

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DANIEL H. LEIGH (S.B. #310673)
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Two Embarcadero Center
28th Floor
San Francisco, California 94111-3823
Telephone: +1 415 984 8700
Facsimile: +1 415 984 8701

Attorneys for Plaintiffs
ELASTICSEARCH, INC. and
ELASTICSEARCH B.V

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

ELASTICSEARCH, INC., a Delaware corporation, and ELASTICSEARCH B.V., a Dutch corporation,

Plaintiffs,

v.

FLORAGUNN GmbH, a German corporation,

Defendant.

Case No. 4:19-cv-05553-YGR

PLAINTIFFS ELASTICSEARCH, INC. AND ELASTICSEARCH B.V.'S THIRD SET OF REQUESTS FOR ADMISSION TO DEFENDANT FLORAGUNN GMBH

PROPOUNDING PARTIES:	PLAINTIFFS ELASTICSEARCH, INC. AND ELASTICSEARCH B.V.
RESPONDING PARTY:	DEFENDANT FLORAGUNN GMBH
SET NUMBER:	THREE (NOS. 216–224)

Pursuant to Federal Rule of Civil Procedure 36, Plaintiffs Elasticsearch, Inc. and elasticsearch B.V. hereby propound the following Requests for Admission ("Requests") on Defendant floragunn GmbH ("floragunn"). Plaintiffs request that floragunn provide written responses to each of these Requests at the office of O'Melveny & Myers LLP, Two Embarcadero Center, 28th Floor, San Francisco, California 94111, within thirty (30) days of service of these Requests.

DEFINITIONS

Unless the context indicates otherwise, the following words and phrases have the meanings given:

1. "floragunn" means and refers to floragunn GmbH and includes without limitation its predecessor and successor companies, its subsidiaries and parent companies, its retailers and affiliates, and any and all of its present and former officers, directors, representatives, agents, employees, attorneys, accountants, investigators, or anyone acting or purporting to act on behalf of any such person.

2. The term "person" or "persons" mean and refer to natural persons, firms, associations, organizations, partnerships, businesses, trusts, limited liability companies, corporations, and public entities.

3. The words "and" and "or" shall be construed in the conjunctive, disjunctive, or both, whichever makes the Requests more inclusive.

4. The terms "all" or "any" means "any, all, each, and every."

5. The use of the singular shall be deemed to include the plural and the use of the plural shall be deemed to include the singular.

//

//

//

//

//

//

REQUESTS FOR ADMISSION

REQUEST NO. 216:

Admit that Sergii Bondarenko has controlled the GitHub account https://github.com/sergibondarenko continuously from September 5, 2013 to the present.

REQUEST NO. 217:

Admit that from September 5, 2013 to the present no persons other than Sergii Bondarenko have controlled the GitHub account https://github.com/sergibondarenko.

REQUEST NO. 218:

Admit that Mikael Gustavsson has controlled the GitHub account https://github.com/mgustafsson1 continuously from September 9, 2010 to the present.

REQUEST NO. 219:

Admit that from September 9, 2010 to the present no persons other than Mikael Gustavsson have controlled the GitHub account https://github.com/mgustafsson1.

REQUEST NO. 220:

Admit that Hendrik Saly posted the content to GitHub that is attributed to the username "salyh" in the website page capture attached to these Requests as Exhibit A.

REQUEST NO. 221:

Admit that Hendrik Saly posted the content to Stack Overflow that is attributed to the username "salyh" in the website page capture attached to these Requests as Exhibit B.

REQUEST NO. 222:

Admit that the website page capture attached to these Requests as Exhibit C contains a true and correct copy of content appearing on floragunn's website at the URL https://search-guard.com/security/ as of September 15, 2020.

REQUEST NO. 223:

Admit that the website page capture attached to these Requests as Exhibit D contains a true and correct copy of content appearing on floragunn's website at the URL https://search-guard.com/search-guard-alive-and-kicking/ as of October 18, 2019.

REQUEST NO. 224:

Admit that the website page capture attached to these Requests as Exhibit E contains a true and correct copy of content appearing on floragunn's website at the URL https://search-guard.com/company/ as of November 14, 2019.

Dated: February 3, 2021

DAVID R. EBERHART
JAMES K. ROTHSTEIN
DANIEL H. LEIGH
O'MELVENY & MYERS LLP

By: */s/ David R. Eberhart*
David R. Eberhart

Attorneys for Plaintiffs
ELASTICSEARCH, INC. and
ELASTICSEARCH B.V.

EXHIBIT A

ContextIndexSearcher conflicts with IndexSearcherWrapper #30758

New issue

Closed salyh opened this issue on May 21, 2018 · 6 comments

salyh commented on May 21, 2018 • edited — Contributor

Elasticsearch version (`bin/elasticsearch --version`):
5.0.0+

Plugins installed: []
N/A

JVM version (`java -version`):
N/A

OS version (`uname -a` if on a Unix-like system):
N/A

Description of the problem including expected versus actual behavior:

Plugins can override the `onIndexModule(IndexModule indexModule)` method and call `indexModule.setSearcherWrapper` .
They implement a `IndexSearcherWrapper` (via `IndexSearcherWrapperFactory`) and override the `protected IndexSearcher wrap(IndexSearcher searcher) throws IOException` method to
wrap a given IndexSearcher. When i read the newly opened x-pack code correct it seems x-pack is doing this to implement document and field level security.

But it appears that several methods of a such wrapped IndexSearcher (like `search*`) are never really called because the wrapped IndexSearcher get itself wrapped in
a `ContextIndexSearcher` (in `DefaultSearchContext`) which never delegates the wrapped `search*` methods (and others).

For x-pack this means IMHO that the custom searcher optimizations done in SecurityIndexSearcherWrapper are never executed.

Or i'am lost in the "wrapper hell"?

Steps to reproduce:
N/A

Provide logs (if relevant):
N/A

1

salyh commented on May 21, 2018 — Contributor Author

A fix for this maybe can look like this salyh@ `c33c67d`

jaymode added >bug :Security/Authorization labels on May 21, 2018

elasticmachine commented on May 21, 2018 — Collaborator

Pinging **@elastic/es-security**

jaymode commented on May 21, 2018 — Member

Heya **@salyh**, thanks for the report. This indeed appears to be the case where the performance optimizations in the SecurityIndexSearcherWrapper are not being executed.

jaymode added the :Search/Search label on May 21, 2018

elasticmachine commented on May 21, 2018 — Collaborator

Pinging @elastic/es-search-aggs

salyh commented on Jun 27, 2018 — Contributor Author

@jaymode @elastic/es-security Any plans to fix this?

colings86 removed the :Security/Authorization label on Aug 17, 2018

salyh commented on Oct 17, 2018 — Contributor Author

⌛😉

Assignees
No one assigned

Labels
:Search/Search >bug

Projects
None yet

Milestone
No milestone

Linked pull requests
Successfully merging a pull request may close this issue.
None yet

4 participants

Closed **ContextIndexSearcher conflicts with IndexSearcherWrapper** #30758

document and field level security.

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a `ContextIndexSearcher` (in `DefaultSearchContext`) which never delegates the wrapped `search*` methods (and others).

For x-pack this means IMHO that the custom searcher optimizations done in SecurityIndexSearcherWrapper are never executed.

Or i'am lost in the "wrapper hell"?

Steps to reproduce:
N/A

Provide logs (if relevant):
N/A

1

4 participants

salyh commented on May 21, 2018 — Contributor — Author

A fix for this maybe can look like this salyh@ `c33c67d`

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colings86 removed the :Security/Authorization label on Aug 17, 2018

salyh commented on Oct 17, 2018 — Contributor — Author

⏳😉

jimczi added a commit to jimczi/elasticsearch that referenced this issue on Feb 18, 2019

`Fix IndexSearcherWrapper visibility` ... `c685caf`

jimczi mentioned this issue on Feb 18, 2019

Fix IndexSearcherWrapper visibility #39071 — Merged

jimczi closed this in #39071 on Mar 15, 2019

jimczi added a commit that referenced this issue on Mar 15, 2019

`Fix IndexSearcherWrapper visibility (#39071)` ... Verified `e4d46ba`

jimczi added a commit to jimczi/elasticsearch that referenced this issue on Mar 15, 2019

`Fix IndexSearcherWrapper visibility (elastic#39071)` ... `57cb845`

jimczi added a commit to jimczi/elasticsearch that referenced this issue on Mar 18, 2019

`Fix IndexSearcherWrapper visibility (elastic#39071)` ... `fc8c4c9`

jimczi added a commit that referenced this issue on Mar 18, 2019

`Fix IndexSearcherWrapper visibility (#39071) (#40145)` ... Verified `eb54012`

EXHIBIT B

2

Apply Lucene Query on Bits

solr lucene

How to apply a `org.apache.lucene.search.Query` on a given `org.apache.lucene.util.Bits` object?

Background: I have a subclass of `org.apache.lucene.index.FilterLeafReader` where i want to filter the livedocs by applying a query on the "Bits".

According to javadoc i need also to override `numDocs()` if i override `getLiveDocs()`. So the question extends also to how to filter the number of documents based on a query (within a `FilterLeafReader`)

Share Improve this question Follow

salyh
1,859 • 1 • 13 • 30

asked
Dec 3 '16 at 15:19

edited
Dec 4 '16 at 9:05

1 Answer order by votes

1

I ended up with this solution (after asking the question on the lucene mailinglist):

```
final IndexSearcher searcher = new IndexSearcher(reader);
searcher.setQueryCache(null);
final boolean needsScores = false; // scores are not needed, only matching docs
final Weight preserveWeight = searcher.createNormalizedWeight(preserveFilter, needsS
cores);
final int maxDoc = in.maxDoc();
final FixedBitSet bits = new FixedBitSet(maxDoc);
// ignore livedocs here, as we filter them later:
final Scorer preverveScorer = preserveWeight.scorer(context);
if (preverveScorer != null) {
  bits.or(preverveScorer.iterator());
}
if (negateFilter) {
  bits.flip(0, maxDoc);
}

if (in.hasDeletions()) {
  final Bits oldLiveDocs = in.getLiveDocs();
  assert oldLiveDocs != null;
  final DocIdSetIterator it = new BitSetIterator(bits, 0L); // the cost is not useful
  for (int i = it.nextDoc(); i != DocIdSetIterator.NO_MORE_DOCS; i = it.nextDoc()) {
    if (!oldLiveDocs.get(i)) {
      // we can safely modify the current bit, as the iterator already stepped over it
      bits.clear(i);
    }
 }
}

this.liveDocs = bits;
this.numDocs = bits.cardinality();
```

https://github.com/apache/lucene-solr/blob/master/lucene/misc/src/java/org/apache/lucene/index/PKIndexSplitter.java#L127-L170

Share Improve this answer Follow

salyh
1,859 • 1 • 13 • 30

answered
Dec 8 '16 at 7:59

Your Answer

Body

Log in

OR

Name

Email

By clicking “Post Your Answer”, you agree to our terms of service, privacy policy and cookie policy

Post Your Answer

EXHIBIT C

SEARCH GUARD SECURITY PLUGIN

As the pioneers in securing Elasticsearch clusters, all decisions about our technology have the same purpose, to make your Elasticsearch environment more secure.

↓ WHAT IT IS ↓ INTEGRATORS ↓ CERTIFIED ↓ GET A QUOTE

Completely Open Source

Closed source security is no security, never leave the control of your data to a third party. Zero trust in networks, zero trust in closed source. We think that security software has to be Open Source by definition, so all of our code is available for you to download, inspect, evaluate and audit.

Compliance ready

Security compliance regulations like GDPR, HIPAA, PCI-DSS or SOX require a business to protect, track and control access to sensitive data. Search Guard offers an extensive range of features that will help you to meet the technical requirements of compliance regulations.

All industry sectors

All industry sectors

Search Guard runs on high-scale mission-critical production clusters protecting sensitive data in the finance, healthcare, pharmaceutical, aviation, telecommunications, security, and data intelligence sectors.

Integrators

IBM

IBM uses Search Guard in the StoredIQ and Spectrum Conductor products for securing the underlying Elasticsearch cluster.

VISIT WEBSITE →

Red Hat® OpenShift

Red Hat® OpenShift is a container application platform that brings docker and Kubernetes to the enterprise. OpenShift includes Kubernetes for container orchestration and management.

VISIT WEBSITE →

ObjectRocket

ObjectRocket uses Search Guard to secure their next-generation Kubernetes-based managed Elasticsearch service.

VISIT WEBSITE →

Würth Phoenix

Würth Phoenix is a software company belonging to the Würth-Group, world market leader in the trade of assembly and fastening materials, offering business software for ERP, CRM and IT System Management. With its Unified monitoring solution NetEye, the company developed a best-of-breed approach of tried-and-trusted open source tools with external cloud applications that can be monitored just easily as services in data centers or hybrid services.

VISIT WEBSITE →

Pivotal Cloud Foundry

Pivotal Cloud Foundry

Pivotal Cloud Foundry (PCF) is the proven solution for companies seeking software-led digital transformation. The platform enables the continuous delivery of any app to every cloud empowering developers to be more productive and operators to be more efficient—accelerating feature delivery and deployment across clouds without downtime. Altoros Elasticsearch for PCF abstracts away the complexity of deploying and scaling a real-time distributed document store, search and analytics service. The integration deploys an enterprise-ready Elasticsearch cluster that can be shared among multiple PCF users.

VISIT WEBSITE →

SIEMonster

SIEMonster is a turnkey, open source, Enterprise grade Security Information and Event Management (SIEM), built on scalable, non-licensed components, fully documented and developed by the community and SIEMonster team. The product is free, fully documented, and there are no data or node limitations.

VISIT WEBSITE →

Mitratech TeamConnect

The TeamConnect Enterprise Legal Management (ELM) platform consistently meets the complex operational needs of large, global legal departments. Whether your staff is managing litigation, contracts, intellectual property, product claims, compliance matters, or legal team projects, TeamConnect offers a market-proven, unified approach to managing all legal operations. With a completely redesigned interface and optimised user experience, TeamConnect is a solution your legal team will want to use.

VISIT WEBSITE →

KubeDB by AppsCode

KubeDB by AppsCode makes it easy to run production-grade databases on Kubernetes. KubeDB provides a uniform declarative api to manage life-cycle of a datastore. Currently KubeDB includes support for following datastores: Elasticsearch, Postgres, MySQL, MongoDB, Redis and Memcached.

VISIT WEBSITE →

Siren

Siren is a team of enormously passionate data discovery and advanced search experts, scientists and engineers. They offer a unique combination of search, business intelligence, big graph and knowledge representation, which they define as Data Intelligence. With this concept Siren addresses some of the world's most important problems.

VISIT WEBSITE →

Certified

Certified

Veracode

All Search Guard versions and all third-party libraries are verified and scanned for vulnerabilities by Veracode. CA Veracode Verified empowers us to demonstrate our commitment to creating secure software.

Allianz for Cyber-Sicherheit

floragunn is member of the "Alliance for Cybersecurity", a body of the Federal Office for Information Security in Germany.

CVE

floragunn GmbH is the official CVE numbering authority for Search Guard.

TeleTrusT

floragunn is member of TeleTrust, a German federal association for IT security.

60-day PoC License

Want to see how your company can benefit from our Compliance edition? Sign up to our 60-day trial, completely free of charge.

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For the latest product developments, new versions and cybersecurity news, sign up to our newsletter.

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Veracode

All Search Guard versions and all third-party libraries are verified and scanned for vulnerabilities by Veracode. CA Veracode Verified empowers us to demonstrate our commitment to creating secure software.

Allianz for Cyber-Sicherheit

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TeleTrusT

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Want to see how your company can benefit from our Compliance edition? Sign up to our 60-day trial, completely free of charge.

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- Documentation
- Source Code
- FAQ
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- TLS certificate generator
- Blog
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- White papers
- Compliance

COMPANY

- Who we are
- Partners
- Integrators
- Data protection
- Imprint
- Public key & security

EXHIBIT D

Document title:	Search Guard - Alive and kicking | Security for Elasticsearch
Capture URL:	https://search-guard.com/search-guard-alive-and-kicking/
Captured site IP:	109.73.229.93
Page loaded at (UTC):	Fri, 18 Oct 2019 02:08:22 GMT
Capture timestamp (UTC):	Fri, 18 Oct 2019 02:08:59 GMT
Capture tool:	v6.11.2
Collection server IP:	52.7.109.102
Browser engine:	Chrome/70.0.3538.77
Operating system:	Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)
PDF length:	3
Capture ID:	5aba295c-ee52-4f5a-b1ca-28ca6b1bc280
User:	omm-mdjuric

Search Guard – alive and kicking

by Claudia Kressin on October 12, 2019

At floragunn, we have no higher priority than our customers' satisfaction, and on behalf of the company and the Search Guard team, we offer our sincere thanks to our valued customers for their support and encouragement over the years and particularly in the last few weeks.

As you may know, in the US Elastic has recently alleged that some very minor parts of floragunn's source code infringe Elastic's claimed copyrights. We unconditionally reject Elastic's allegations of copyright infringement, and will hold Elastic accountable for any damages their actions have caused to our company.

Still, we understand that Elastic's actions have created some confusion and questions for our customers concerning their use of the Search Guard products. Accordingly we have released new fully functional versions of Search Guard which contain none of the code complained about by Elastic. We have done so only to protect our users, without recognition of a legal obligation and without prejudice for the factual and legal situation.

The new versions of Search Guard are already linked from our documentation:

- Elasticsearch 7.x: Search Guard: v37.0.0 and above
- Elasticsearch 6.x: Search Guard: v25.5 and above
- Elasticsearch 5.6.16: Search Guard: v19.4 and above

The primary download location will be

- https://releases.floragunn.com/

although we will also continue to publish our binaries at Maven Central.

Our source code has always been open to inspection and analysis, because there is no security without transparency, and of course, none of the recent events will have any impact on our policy of openness and transparency. As part of that policy, we have started the process of moving our source code from GitHub to GitLab. We may continue to use GitHub as a mirror, but in future the main repositories for our products can be found here:

- https://git.floragunn.com/explore/projects

Also, none of the recent events will stop or hinder our mission of providing our customers with high end, innovative security solutions for the Elastic Stack – as we have since 2016. You have our word on it.

For example, we have recently released the first technical preview of Signals, our new alerting solution for the Elastic Stack. Signals provides advanced alerting features for detecting anomalies in your data, and makes it possible to send out alerts on different channels and escalation levels. Signals integrates perfectly with Search Guard, Elasticsearch and the entire Elastic stack.

Again, a big thank you to our strong and loyal community for your support, input and help!

In case of any questions, drop us an email: search-guard@floragunn.com

Claudia and the Search Guard Team

Legal, Search Guard General

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Claudia and the Search Guard Team

Legal, Search Guard General

‹ Previous

Join the conversation

Your name *

Your email *

Your message

Add comment

EXHIBIT E

Document title:	Team | Get to know the minds behind Search Guard
Capture URL:	https://search-guard.com/company/
Captured site IP:	109.73.229.93
Page loaded at (UTC):	Thu, 14 Nov 2019 00:16:38 GMT
Capture timestamp (UTC):	Thu, 14 Nov 2019 00:17:00 GMT
Capture tool:	v6.11.2
Collection server IP:	54.174.78.137
Browser engine:	Chrome/70.0.3538.77
Operating system:	Microsoft Windows NT 10.0.14393.0 (10.0.14393.0)
PDF length:	5
Capture ID:	ded8f312-3b22-48cf-b018-2fde86cdd36f
User:	omm-mdjuric

Search Guard

PRODUCT LICENSING RESOURCES COMPANY CONTACT ENGLISH

The Search Guard mission

We shape IT security and Open Source business models, driven by our core values.

Security first!

Search Guard always follows a Security First approach. This mantra drives many of our technical and business decisions, and our top priority is to provide you with the best security solution for Elasticsearch out there.

Open Source

Security-related software has to be Open Source by definition. Since it is such a crucial and sensitive part of your infrastructure, you need to be able to inspect, audit and compile the code yourself. The complete code of Search Guard has always been openly available, and will always be.

No-nonsense IT

We always strive to provide you with the best solution for your requirements. Our licensing model is fair and simple. We listen to your feature requests and provide you with custom solutions and integrations. We are your partner on the way to security and compliance.

Management team

Claudia Kressin
Founder & CEO

LinkedIn

Jochen Kressin
Founder & CEO

LinkedIn

Hendrik Saly
CTO

LinkedIn

Mechthild Wetekam
COO

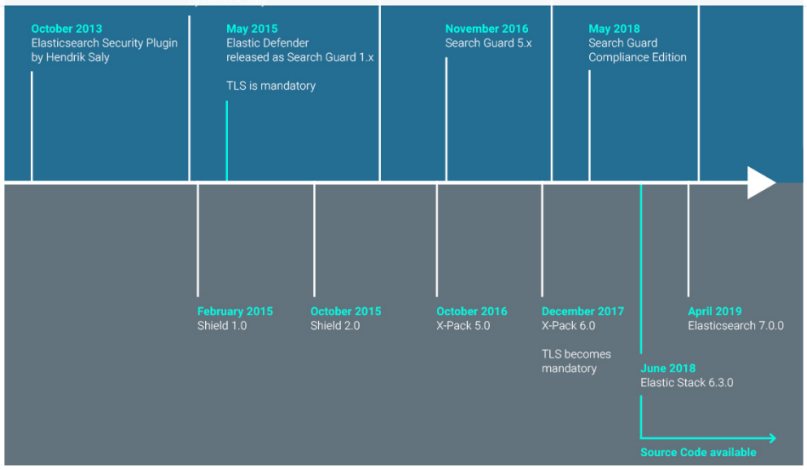
LinkedIn

Thomas Mahler
Head of Sales and Marketing

LinkedIn

Ever since we began developing of Search Guard, our principles and values have enabled us to serve our customers in one of the most important and fastest-paced tech environments.

The Search Guard journey



Fall/Winter 2018/2019

Releasing some Search Guard 6.5.x
Hendrik Saly joins for product development as CTO of floragunn GmbH
Speaking at Bordeaux BBoost Open source International Convention
IBM #StoredIQ using Search Guard to secure the Elasticsearch #cluster
New integrator: NetEye, a monitoring solution software from Würth Phoenix
Meeting Chris Rock, CEO of our partner @_SIEMonster, in NYC!

Spring/Summer 2018

Search Guard 6.4 released.
Great Search Guard business week in Mexico with interviews to CIOMexico and other fachmagazine
Search Guard adds SAML and OpenID Connect support for Kibana
By default, the IBM Cloud Private ELK stack uses Search Guard to provide PKI
Our Search Guard Compliance Edition is available now
Search Guard achieves CA Veracode Verified Status
KubeDB uses Search Guard to secure production-grade elasticsearch databases
RSA conference in San Francisco
Search Guard is now officially IT Security made in Germany
Now added jwks support
At the IT FOR BUSINESS , elasticON in SF Paris #STATIONF and Bordeaux
Released TLS tool to come to the rescue! Configure, run, move to production

Fall/Winter 2017/2018

Our new documentation became available at docs.search-guard.com.
Search Guard 6 was officially released, together with the Search Guard Kibana Configuration GUI
Official Cross Cluster Search support
IBM Spectrum Conductor with Spark includes Search Guard for securing the Elastic stack
We announced the first technical preview of Search Guard compliance module
Our TLS tool to generate production-ready certificates became available

Spring/Summer 2017

We attended the Big Data conference in Paris with our friends from Excelerate Systems and Siren
We got 1111 stars on github.com and celebrated it very very gratefully. Thank you all!

Fall/Winter 2016/2017

Tribenode users: Search Guard gained official support for this Elasticsearch feature!
We released the Search Guard REST management API
The TLS online generator was released which helps you create certificates online
We got 666 stars from you on github.com, awesome!
Search Guard 5 was officially released
First glimpse of Search Guard's new Kibana plugin.
Release of the new Audit logging module.

Spring/Summer 2016

We launched our new website and provided the first Search Guard roadmap
Our official documentation came out
The new enterprise modules JWT, LDAP, Active Directory, Kerberos, and DLS/FLS became available
17th of June: Search Guard 2 was officially released. The mission starts!

Winter 2015/2016

Search Guard SSL for Elasticsearch 2.2.0 was officially released.

Spring/Summer 2015

Search Guard 1.x for Elasticsearch 1.x released on GitHub

Winter 2014/2015

Work on Search Guard, called Elastic Defender back then, started

Any questions?

Release of the new Audit logging module.

Spring/Summer 2016
We launched our new website and provided the first Search Guard roadmap
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Spring/Summer 2015
Search Guard 1.x for Elasticsearch 1.x released on GitHub

Winter 2014/2015
Work on Search Guard, called Elastic Defender back then, started

Any questions?

Questions about our products, projects and services? Want to do business with us?

Get in touch

Company information

floragunn GmbH
Tempelhofer Ufer 16
10963 Berlin
Germany

Amtsgericht Charlottenburg
HRB 147010
USt-IdNr.: DE287373363

PROOF OF SERVICE

I, Daniel H. Leigh, declare: I am over the age of eighteen years and not a party to the within action or proceedings; my business address is: Two Embarcadero Center, 28th Floor, San Francisco, California 94111. On February 3, 2021, I caused to be served the within:

- **PLAINTIFFS ELASTICSEARCH, INC. AND ELASTICSEARCH B.V.'S THIRD SET OF REQUESTS FOR ADMISSION TO DEFENDANT FLORAGUNN GMBH AND EXHIBITS A TO E THERETO; AND**
- **PROOF OF SERVICE**

on counsel for Defendant floragunn GmbH at the following email address: floragunn-service@kblfirm.com.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration, made in conformity with 28 U.S.C. § 1746, was executed at San Francisco, California on February 3, 2021.

/s/ Daniel H. Leigh

Daniel H. Leigh